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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 Federal Plaza
New York, New York 10007
212-264-9881
Room 432

PUBLIC NOTICE

No. NPDES 80-407

Application No. NJ 0034347

Date: JULY 25, 1980

NOTICE: FORMULATION OF DRAFT NPDES PERMIT

Notice is hereby given that Halcon Catalyst Industries

has applied to the United States Environmental Protection Agency (EPA) under the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq. (the Act), for a National Pollutant Discharge Elimination System (NPDES) permit to discharge pollutants from a facility located at 59 Industrial Avenue, Bergen County Little Ferry, New Jersey 07643 into navigable waters of the United States.

The applicant is primarily involved in the coating of ceramic spheres with a solution containing silver. The facility, located in Little Ferry, New Jersey, presently reports one discharge consisting of non-contact condenser cooling from a research and development operation.

The outfall discharges into De Peyster Creek with no prior abatement.

The Enforcement Division Director of Region II has tentatively decided to issue a permit to the applicant, subject to certain effluent limitations, standards, prohibitions and other conditions necessary to carry out the provisions of the Act. The draft permit formulated by EPA is based on the administrative record. Among other documents, the administrative record required by §124.35 of Title 40 of the Code of Federal Regulations, 40 CFR 124.35, 44 Federal Register 32931 (June 7, 1979), consists of the application, draft permit, and statement of basis or fact sheet describing the reasons for the terms and conditions of the draft permit.

The administrative record (with the exception of material readily available at EPA, Region II, or published material which is generally available) is on file in Room 432 of the Permits Administration Branch, EPA, Region II at the above address and may be inspected and copied at a charge of \$.20 per copy sheet at any time between 8:30 A.M. and 4:00 P.M., Monday through Friday. A copy of the draft permit and other available information may be obtained by writing to the above address.

Interested persons may submit written comments on the draft permit and administrative record to the Chief, Permits Administration Branch at the above address no later than **25 AUG 1980**. All persons, including applicants, who believe that any of the terms of the draft permit are not appropriate either because one of the variances or modifications listed in Subpart F of 40 CFR 124 should be granted or for some other reason, have an obligation to raise all reasonably ascertainable issues and submit all arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period. If the Enforcement Division Director finds that the draft permit is the subject of widespread public interest or that comments timely submitted appear to raise substantial new questions, he may reopen the public comment period.

In lieu of, or in addition to, the submission of comments as above provided, any interested person may request a public hearing. Any request for an informal public hearing under 40 CFR 124.42 must be in writing, state the issues to be raised, and be submitted to the Chief, Permits Administration Branch, EPA, Region II, at the above address no later than **25 AUG 1980**. EPA's

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decision on the question of whether to hold a public hearing on the draft NPDES permit, the administration of any hearing and the rights and obligations of participants are governed by NPDES regulations (40 CFR 124.42).

If no informal public hearing is held or if the comment period is not reopened, EPA will consider the issuance of a final permit to the applicant as soon as possible after the date indicated above for the submission of comments. All comments timely submitted by interested persons in response to this notice, and statements and other evidence properly submitted at any public hearing held will be considered by the Enforcement Division Director in the formulation of his final decision with respect to this application for a permit.

The Applicant and any other person who submits timely written comments will receive notice of the Enforcement Division Director's final decision. Within 30 days of service of such notice regarding the issuance of a final permit, any interested party may request a formal evidentiary hearing to reconsider or contest the terms of that permit. Any such request must meet the requirements of 40 CFR 124.74 (44 Federal Register 32939, June 7, 1979). That request may include a request that the non-adversary procedures of Subpart I of 40 CFR 124 be utilized.

Richard A. Baker
Chief
Permits Administration Branch
Planning & Management Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 Federal Plaza
New York, New York 10007

STATEMENT OF BASIS
DRAFT NPDES PERMIT TO
DISCHARGE INTO THE WATERS OF
THE UNITED STATES

NPDES Application No. NJ 0034347

Name and Address of Applicant Halcon Catalyst Industries
59 Industrial Avenue
Bergen County
Little Ferry, New Jersey 07643

Name and Address of Facility Same as above
where Discharge Occurs

Receiving Water: De Peyster Creek

DESCRIPTION OF LIMITATIONS AND CONDITIONS

Limitations and conditions are based upon regional guidance for cooling and stormwater dischargers consistent with 402 Determination. The regional guidance is based on the Chief of the Toxic and Inorganic Waste Section's memo dated December 8, 1978, and the organic limits in the permit can be achieved by proper housekeeping methods. If the non-contact cooling water and storm runoff is not contaminated by process waste or oil, the permittee will be in compliance with the organic parameters. In addition, if the permittee uses heavy metal corrosion inhibitors, the metal limits may be achieved by chemical precipitation.

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
REGION II
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NEW YORK, NY 10001

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RICHARD E. BELLIS
ASSISTANT DIRECTOR, M.S. & E.
DIVISION OF WATER RESOURCES
P.O. BOX CN 029
TRENTON NJ 08625

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NPDES File

JAN 16 1987

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE

SUBJECT

Submittal of Final Permit
for Balcon Catalyst Industries (NJ 0034347)
and Other Documents

FROM

Patrick J. Harvey, Chief
Water Facilities Branch
Enforcement Division

TO

Julio Morales-Sanchez, Director
Enforcement Division

Enclosed please find the final permit (NJ 0034347) and memorandum which, among other things, addresses any comments which may have been received. Please commence the permit issuance procedure by dating and signing the original and forwarding to Richard A. Baker, Chief, Permits Administration Branch.

Also attached are those additional documents which must be included in the administrative record in accordance with 40 CFR 124.64, including memoranda of all telephone calls and meetings. I have not included material readily available in Region II offices or published material which is generally available.

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE

SUBJECT

Finalization of Draft Permit for
Halcon Catalyst Industries Div. of Halcon Res. and Dev. (NJ 0034347)

FROM

Philip Greco, Chemical Engineer *PG*
New Jersey Section
Water Facilities Branch

TO

Julio Morales-Sanchez, Director
Enforcement Division

In reference to the finalization of the draft permit for Halcon Catalyst Industries (NJ 0034347), no comments have been received.

It is therefore recommended that the permit be finalized as it appears in the attachment in conjunction with NJDEP certification requirements dated September 12, 1980.

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Group
#C4

NPDES PERMIT NO. NJ 0034347

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

By authority of Charles Warren, Regional Administrator, Region II,
U.S. Environmental Protection Agency ("EPA"), and in compliance with
the provisions of the Clean Water Act, as amended, 33 U.S.C. §1251
et seq. (the "Act"),

Halcon Catalyst Industries
Division of Halcon Research & Development Corp.

hereinafter referred to as "the Permittee" is authorized to discharge
from a facility located at

59 Industrial Avenue
Bergen County
Little Ferry, New Jersey 07643

to receiving waters named

De Peyster Creek

in accordance with effluent limitations, monitoring requirements and
other conditions set forth in Parts I, II, and III hereof.

This permit shall become effective on February 28, 1981.

This permit and the authorization to discharge shall expire at
midnight, February 28, 1986.

Signed this 19 day of JAN. 1981

JULIO MORALES-SANCHEZ
DIRECTOR
ENFORCEMENT DIVISION

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning February 28, 1981 and lasting through February 28, 1986 the permittee is authorized to discharge from outfall(s) serial number(s) 001.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Gross - <u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	kgs/day(lbs/day)		other units(specified)		Measurement Frequency	Sample Type
	Avg.Monthly	Max.Daily	Avg.Monthly	Max.Daily		
Flow-m ³ /Day (MGD)	N/A	N/A	N/A	N/A	Quarterly	Grab
Chemical Oxygen Demand*	N/A	N/A	N/A	50 mg/l	Quarterly	Grab
Petroleum Hydrocarbons	N/A	N/A	N/A	10 mg/l	Twice Yearly	Grab
Total Suspended Solids**	N/A	N/A	N/A	N/A	Quarterly	Grab
Temperature °C (°F)	N/A	N/A	N/A	30(86)	Quarterly	Grab
Chromium***	N/A	N/A	N/A	.5 mg/l	Quarterly	Grab
Zinc***	N/A	N/A	N/A	1.0 mg/l	Quarterly	Grab
Copper***	N/A	N/A	N/A	1.0 mg/l	Quarterly	Grab

The pH shall not be less than 6.5 standard units nor greater than 8.5 standard units and shall be monitored quarterly. The sample type for this parameter shall be grab.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the outfall(s) of discharge serial number(s) 001.

*Upon written request from the permittee this limit may be changed to 20 mg/l of Total Organic Carbon.

**Additional limitations may be imposed after receipt of monitoring data.

***Monitoring for this parameter is not required unless a corrosion inhibitor containing this metal is used for water treatment purposes.

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B. MONITORING AND REPORTING REQUIREMENTS

1. Monitoring and records. See Part II.B.10.

2. Discharge monitoring reports.

a. See Part II.B.12.d.

b. Monitoring results obtained during the previous 12 months shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on March 28, 1982. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the State Director at the following addresses:

Regional Administrator
Region II
U.S. Environmental Protection
Agency
26 Federal Plaza
New York, New York 10278
ATTN: Permits Administration
Branch

Assistant Director for Operations
and Enforcement
Division of Water Resources
New Jersey Department of Environ-
mental Protection
P.O. Box CN-029
Trenton, New Jersey 08625

3. Quality assurance practices. The permittee is required to show the validity of all data by requiring its laboratory to adhere to the following minimum quality assurance practices:

a. Duplicate⁽¹⁾ and spiked⁽²⁾ samples must be run for each constituent analyzed for permit compliance on 5% of the samples, or at least on one sample per month, whichever is greater. If the analysis frequency is less than one sample per month, duplicate and spiked samples must be run for each analysis.

(1) Duplicate samples are not required for the following parameters: Color, Temperature, Turbidity.

(2) Spiked samples are not required for the following parameters listed in Table 1 of 40 C.F.R. 136: Acidity, Alkalinity, Bacteriological, Benzidine, Chlorine, Color, Dissolved Oxygen, Hardness, pH, Oil & Grease, Radiological, Residues, Temperature, Turbidity. Procedures for spiking samples and spiked sample requirements for parameters not listed on the above-referenced table are available through EPA's Regional Quality Assurance Coordinator.

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b. For spiked samples, a known amount of each constituent is to be added to the discharge sample. The amount of constituent added should be approximately the same amount present in the unspiked sample, or must be approximately that stated as maximum or average in the discharge permit.

c. The data obtained in a. shall be summarized in an annual report submitted at the end of the fourth quarter of reporting in terms of precision, percent recovery, and the number of duplicate and spiked samples run.

d. Precision for each parameter shall be calculated by the formula, standard deviation $s = (\sum d^2/2k)^{1/2}$, where d is the difference between duplicate results, and k is the number of duplicate pairs used in the calculation.

e. Percent recovery for each parameter shall be calculated by the formula $R = 100(F-I)/A$, where F is the analytical result of the spiked sample, I is the result before spiking of the sample, and A is the amount of constituent added to the sample.

f. The percent recovery, R , for each parameter in e. above shall be summarized yearly in terms of mean percent recovery and standard deviation from the mean. The formula, $s = (\sum (x-\bar{x})^2 / (n-1))^{1/2}$, where s is the standard deviation around the mean \bar{x} , x is an individual recovery value, and n is the number of data points, shall be applied.

g. The permittee or his contract laboratory is required to annually analyze an external quality control reference sample for each pollutant. These are available through the Regional Quality Assurance Coordinator, Region II, U.S. Environmental Protection Agency, Edison Environmental Laboratory, Edison, New Jersey 08817.

h. The permittee and/or his contract laboratory is required to maintain records of the specific analytical methods used, including options employed, if any, within a particular method, and of reagent standardization and equipment calibration operations.

i. If a contract laboratory is utilized, the permittee shall submit the name and address of the laboratory and the parameters analyzed at the time it submits its discharge monitoring reports (see Section 2.b. above). Any change in the contract laboratory being used or the parameters analyzed shall be reported prior to or together with the monitoring report covering the period during which the change was made.

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A. DEFINITIONS

1. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

2. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

3. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.

4. "Composite" means a combination of individual (or continuously taken) samples obtained at regular intervals over the entire discharge day. The volume of each sample shall be proportional to the discharge flow rate. For a continuous discharge, a minimum of 24 individual grab samples (at hourly intervals) shall be collected and combined to constitute a 24-hour composite sample. For intermittent discharges of more than 4 hours duration, grab samples shall be taken at a minimum of 30 minute intervals. For intermittent discharges of less than 4 hours duration, grab samples shall be taken at a minimum of 15 minute intervals.

5. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. For purposes of sampling, "daily" means an operating day or 24-hour period.

6. "Director" means the "Regional Administrator" or the "State Director", as the context requires, or an authorized representative. Until the State has an approved State program authorized by EPA under 40 C.F.R. Part 123, "Director" means the Regional Administrator. When there is an approved State program, "Director" normally means the State Director. Even in such circumstances, EPA may retain authority to take certain action (see, for example, 40 C.F.R. 123.71(d), 45 Federal Register 33469, May 19, 1980, on the retention of jurisdiction over permits EPA issued before program approval). If any condition of

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this permit requires the reporting of information or other actions to both the Regional Administrator and the State Director, regardless of who has permit-issuing authority, the terms "Regional Administrator" and "State Director" will be used in place of "Director".

7. "Discharge Monitoring Report" or "DMR" means the EPA uniform national form, including any subsequent additions, revisions, or modifications, for the reporting of self-monitoring results by permittees.

8. "Grab" means an individual sample collected in less than 15 minutes.

9. "Gross" means the weight or the concentration contained in the discharge. (Unless a limitation is specified as a net limitation, the limitation contained in this permit is a gross limitation.)

10. "Maximum daily discharge limitation" means the highest allowable "daily discharge".

11. "Monthly" means one day each month (the same day each month) and a normal operating day (e.g., the 2nd Tuesday of each month).

12. "Net" means the amount of a pollutant contained in the discharge measured in appropriate units as specified herein, less the amount of a pollutant contained in the surface water body intake source, measured in the same units, over the same period of time, provided:

a. The intake water source must be drawn from the same body of water into which the discharge is made; and

b. In cases where the surface water body intake source is pretreated for the removal of pollutants, the intake level of a pollutant to be used in calculating the net is that level contained after the pretreatment steps.

13. "Regional Administrator" means the Regional Administrator of Region II of EPA or the authorized representative of the Regional Administrator.

14. "Severe property damage" means the substantial physical damage to the treatment facilities which would cause them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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15. "State Director" means the chief administrative officer of the State water pollution control agency, or the authorized representative of the State Director.

16. "Toxic pollutant" means any of the pollutants listed in 40 C.F.R. 401.15 (45 F.R. 44503, July 30, 1979) and any modification to that list in accordance with Section 307(a)(1) of the Clean Water Act.

17. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

18. "Weekly" means every seventh day (the same day of each week) and a normal operating day.

B. GENERAL CONDITIONS

1. Duty to comply.

a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

c. The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

2. Duty to Reapply. This permit and the authorization to discharge shall terminate on the expiration date indicated on the first page. In order to receive authorization to discharge after the expiration date of this permit, the permittee must apply for and obtain a new permit. If

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the permit issuing authority remains EPA, the permittee shall complete, sign, and submit an application to the Regional Administrator no later than 180 days before the expiration date in conformance with the requirements of 40 C.F.R. 122.4, 122.6 and 122.53.

3. Duty to halt or reduce activity.

a. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

b. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

6. Permit actions.

a. This permit may be modified, revoked and reissued, or terminated during its term for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition.

b. Causes for modification, revocation and reissuance, and termination are set forth in 40 C.F.R. 122.15 and 122.16 (45 Federal Register 33428 - 33430, May 19, 1980).

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(1) Specified causes for modification, revocation and reissuance, and termination include:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

(c) A determination that the permitted discharge endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or

(d) There is a change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit.

(2) Specified causes for modification and, upon request or agreement of the permittee, revocation and reissuance of the permit include material and substantial alterations or additions to the permittee's operation which occurred after permit issuance and which justify the application of permit conditions that are different or absent from this permit, (e.g., production changes, relocation or combination of discharge points, changes in the nature or mix of products produced) provided the reconstruction activities do not cause the new source permit issuance provisions of 40 C.F.R. 122.66 to be applicable.

c. With the exception of permit modifications which satisfy the criteria in 40 C.F.R. 122.17 for "minor modifications", the applicable provisions required by 40 C.F.R. Part 124, including notice and opportunity for a hearing, shall be followed before this permit is modified, revoked and reissued, or terminated.

7. Property rights. The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local laws or regulations.

8. Duty to provide information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine

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compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

9. Inspection and Entry. The permittee shall allow the Regional Administrator, the head of the State water pollution control agency, or any authorized representative(s), upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

10. Monitoring and records.

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

c. Records of monitoring information shall include:

(1) The date, exact place, and time of sampling or measurements;

(2) The individual(s) who performed the sampling or measurements;

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- (3) The date(s) analyses were performed;
- (4) The individual(s) who performed the analyses;
- (5) The analytical techniques or methods used;
- (6) The quality assurance information specified in Part I of this permit; and
- (7) The results of such analyses.

d. Monitoring shall be conducted according to test procedures approved under 40 C.F.R. Part 136, unless other test procedures are specified in this permit.

e. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

11. Signatory requirements.

a. All permit applications shall be signed as follows:

- (1) For a corporation, by a principal executive officer of at least the level of vice president;
- (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- (3) For a municipality, State, Federal, or other public agency, by either a principal executive officer or ranking elected official.

b. All reports required by this permit, and other information requested by the Regional Administrator or State Director pursuant to the terms of this permit, including DMRs and reports of noncompliance, shall be signed as follows:

- (1) By a person described in subsection a. or by a duly authorized representative of that person.
- (2) A person is a duly authorized representative only if:

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(a) The authorization is made in writing by a person described in subsection a.;

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility; and

(c) The written authorization is submitted to the Regional Administrator, U.S. EPA, Region II, 26 Federal Plaza, New York, New York 10278, Attention: Permits Administration Branch, and to the State Director.

(3) If a written authorization submitted pursuant to subsection b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. must be submitted to the Regional Administrator and State Director prior to or together with any reports or information to be signed by an authorized representative.

c. Certification. Any person signing a document under subsection a. or b. shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

d. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

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12. Reporting Requirements.

a. Planned changes. The permittee shall give notice to the Regional Administrator and State Director as soon as possible of any planned physical alterations or additions to the permitted facility.

b. Anticipated noncompliance. The permittee shall give advance notice to the Regional Administrator and State Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements as soon as it becomes aware of the circumstances.

c. Transfers.

(1) This permit is not transferable to any person except after notice to the Regional Administrator and State Director. Except as provided in paragraph (2), a permit may be transferred by the existing permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

(2) This permit may be automatically transferred to a new permittee if:

(a) The existing permittee notifies the Regional Administrator and State Director at least 30 days in advance of the proposed transfer date in subparagraph (b);

(b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

(c) The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. (A modification under this subparagraph may also be a minor modification under 40 C.F.R. 122.17.) If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in subparagraph (b).

(3) If this permit is automatically transferred in accordance with the provisions of paragraph (2), the permit may be modified to reflect the automatic transfer after its effective date.

d. Monitoring reports.

(1) Monitoring results shall be reported at the intervals specified in Part I of this permit.

(2) Monitoring results shall be reported on a Discharge Monitoring Report (DMR).

(3) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 C.F.R. 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

(4) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

e. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

f. Twenty-four hour reporting.

(1) The following information shall be reported orally to the Regional Administrator at 201-548-8730 and State Director within 24 hours from the time the permittee becomes aware of the circumstances:

(a) Any noncompliance which may endanger health or the environment;

(b) Any unanticipated bypass (see 13 below) which violates any effluent limitation in the permit;

(c) Any upset (see 14 below) which violates any effluent limitation in the permit; or

(d) The violation of a maximum daily discharge limitation for any of the pollutants listed in Part I of this permit is required to be reported within 24 hours. This list includes any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.

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(2) In addition to the oral 24-hour report, the permittee shall also provide a written submission to the Regional Administrator and State Director within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(3) Except with respect to written reports required under paragraph (1)(a) of subsection f., above, the Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

g. Other noncompliance. The permittee shall report to the Regional Administrator and State Director all instances of noncompliance not reported under subsections d, e, and f at the time the monitoring report covering the period of noncompliance is submitted. The reports shall contain the information listed in paragraph (2) of subsection f., above.

h. Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Administrator and State Director, it shall promptly submit such facts or information to the Regional Administrator and State Director.

13. Bypassing.

a. Bypass not violating limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections b. and c. below.

b. Notice.

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in subsection f. of section 12 above.

c. Prohibition of bypass.

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under subsection b.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph (1).

14. Upsets.

a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of subsection b. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for non-compliance, is final administrative action subject to judicial review.

b. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

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(3) The permittee submitted notice of the upset as required in subsection f. of section 12 above; and

(4) The permittee complied with any remedial measures required under section 4 above (duty to mitigate).

(5) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

15. Removed substances. Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters and/or the treatment of intake waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters. The following data shall be reported together with the monitoring data required in Part I, B.2.:

- (a) The sources of the materials to be disposed of;
- (b) The approximate volumes and weights;
- (c) The method by which they were removed and transported; and
- (d) Their final disposal locations.

16. Oil and hazardous substance liability. The imposition of responsibilities upon, or the institution of any legal action against the permittee under Section 311 of the Act shall be in conformance with regulations promulgated pursuant to Section 311 of the Act governing the applicability of Section 311 to discharges from facilities with NPDES permits.

17. Reopener clause for toxic effluent limitations. Notwithstanding any other condition of this permit, if any applicable toxic effluent standard or prohibition is promulgated under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the permit, this permit shall be promptly modified or revoked and reissued to conform to that effluent standard or prohibition.

18. State laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to

any applicable State law or regulation under authority preserved by Section 510 of the Act. The issuance of this permit does not preempt any duty to obtain State or local assent required by law for the discharge.

19. Availability of information.

a. NPDES permits, effluent data, and information required by NPDES application forms provided by the Director under 40 C.F.R. 122.4 and 122.53 (including information submitted on the forms themselves and any attachments used to supply information required by the forms) shall be available for public inspection at the offices of the Regional Administrator and State Director.

b. In addition to the information set forth in subsection a., any other information submitted to EPA in accordance with the conditions of this permit shall be made available to the public without further notice unless a claim of business confidentiality is asserted at the time of submission in accordance with the procedures in 40 C.F.R. Part 2 (Public Information).

c. If a claim of confidentiality is made for information other than that enumerated in subsection a., the information shall be treated in accordance with the procedures in 40 C.F.R. Part 2. Only information determined to be confidential under those procedures shall not be made available by EPA for public inspection.

20. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART III

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Permit No. NJ 0034347

EFFECTIVENESS OF PERMIT

1. This permit shall become effective in its entirety on the date indicated on the first page of this permit unless a request for an evidentiary hearing or a panel hearing is granted pursuant to the provisions of 40 C.F.R. Part 124, Subpart E or F, 45 Federal Register 33498 - 33507 (May 19, 1980).

2. For purposes of judicial review under Section 509(b) of the Clean Water Act, final agency action on a permit does not occur unless and until a party has exhausted its administrative remedies under 40 C.F.R. Subparts E and F and 40 C.F.R. 124.91 (appeal to the Administrator of EPA). Any party which neglects or fails to seek review under 40 C.F.R. 124.91 thereby waives its opportunity to exhaust available agency remedies.

A. Florescence Suspended, Galls 1991 and Scutellaria 1991a
Color, F. volatilis 1991a and Other 1991a and Galls 1991a

2. Toxic or deleterious substances, including but not limited to Mineral Acids, Caustic Alkali, Cyanides, Heavy Metals, Carbon Disulfide, Ammonia or Ammonium, Chlorine, Chlorine, Phenols, Pesticides, Etc.

- C. 01

2. The permittee shall comply with the facilities plan developed for Longhorn County Detention Center in accordance with Section 101 of the Act.

- That the following shall include any attempt to violate the
National Prohibition Act or any administrative regulation there-
under, promulgated by the A.C. Council, and including but not limited to
the following:

NOTE

THE INFORMATION CONTAINED ON
THE FOLLOWING DOCUMENT IS EXTREMELY
DIFFICULT, IF NOT IMPOSSIBLE TO READ.

THE OPERATOR HAS BEEN INSTRUCTED
TO USE THE UTMOST CARE IN PHOTOGRAPHING
THE MATERIAL, THUS INSURING MAXIMUM
LEGIBILITY OBTAINABLE.

A. STATE REQUIREMENTS

1. The permittee shall discharge so as not to violate the water quality standards for the Depeyster Creek classified as TW-2 waters pursuant to N.J.A.C. 7:9-4.6(e) including but not limited to the following:

- A. Floating, Suspended, Colloidal and Settleable Solids;
Color, Petroleum Hydrocarbons and Other Oils and Greases

- (1) None noticeable in the water or deposited along the shore or on the aquatic substrata in quantities detrimental to the natural biota. None which would render the waters unsuitable for the designated uses.
 - (2) For "Petroleum Hydrocarbons" the goal is none detectable utilizing the Federal EPA - Environmental Monitoring and Support Laboratory Method (Freon Extraction - Silica Gel - Adsorption & Infrared Measurement); the present criteria, however, are those of paragraph (1) above.

- B. Toxic or Deleterious substances, including but not limited to Mineral Acids, Caustic Alkali, Cyanides, Heavy Metals, Carbon Dioxide Ammonia or Ammonium Compounds, Chlorine, Phenols, Pesticides, Etc.

- (1) None, either alone or in combination with other substances, in such concentrations as to affect humans or be detrimental to the natural aquatic biota, produce undesirable aquatic life, or which would render the water suitable for the designated uses. None which would cause standards for drinking water to be exceeded after appropriate treatment.

- C. pH

- (1) Between 6.5 and 8.5. Natural conditions outside this range shall prevail.

2. The permittee shall comply with the facilities plan developed for Bergen County Utilities Authority in accordance with Section 201 of the Act.

3. That the permittee shall discharge so as not to violate the Hackensack Meadowlands Development Commission discharge standards pursuant to N.J.A.C. 19:4-6.14(g) including but not limited to the following:

PART III

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Permit No. WQ 0034367

A. STATE REQUIREMENTS (con't)

- A. Temperature of discharge shall not be greater than 85°F.
- B. pH shall not be less than 6.5 nor greater than 8.5.
- C. Suspended solids shall not exceed 40 mg/l by weight.

MEMORANDUM

New Permit.
Existing Discharge.

Date Sent: 7/30/80
Date Received:

TO: ☐ Regional Manager, Enforcement Element
☒ Manager, Waste Load Allocation, Monitoring & Planning Element *Discharge Fee*
☐ Basin Manager, Construction Grants Administration Element
 FROM: *W.A.B.* Bill Beggs, Manager, Bureau of Industrial Permits., WQM Element
 SUBJECT: 401 Certification for NPDES Permit
 Name of Applicant *Halcon Catalyst Industries*
 NPDES No. *NJ 0034347* #57

The attached package has been developed in accordance with the following documents and is forwarded for your review, comments and inclusion of any appropriate load allocation and effluent limitations deemed necessary by 203 and/or 303(e) plans.

- ☐ 303(e) Basin Plan _____ Dated _____
- ☐ 303 Area Wide Plan *Northeast* _____ Dated _____
- ☐ 201 Facility Plan *Bergen County Utilities A.* _____ Dated _____
- ☐ Water Quality Standards - Effluent Limitations Dated *Dec. 2, 1974*.
- ☐ DREC Regulations Dated _____
- ☐ ISC Regulations Dated _____

U.S.E.P.A. requires certification within 35 days of the request. In order for us to prepare the certification with U.S.E.P.A.'s established deadline your comments, if any, will be required by 8/20/80. If we do not receive your comments by this date, we will assume that you concur with the certification as drafted. If you have any questions, please contact Gautam Patel at 4-4422.

TO: Bill Beggs, Bureau of Industrial Permits, WQM Element

FROM: ☐ Regional Manager, Enforcement Element
☒ Manager, Waste Load Allocation, Monitoring & Planning Element
☐ Basin Manager, Construction Grants Administration Element

S.F. Hsueh
8-7-80

SUBJECT:

- ☐ I concur with the draft certification conditions.
- ☒ I concur with the draft certification conditions with the addition of the attached recommendations.
- ☐ I do not concur for the attached reasons.
- ☐ Updated information to your referenced document _____ is attached for your use. There is need to change the certification.

☒ COMMENTS - Attached why are HMPC standards not cited in the certification? Please include.

NJ 003437

New Permit.

Date Prepared:
Date Revised:

PERMIT SUMMARY TABLE

Company: *Halcon Catalyst Industries*Location: *59 Industrial Avenue,
Little Ferry, Bergen County, N.J. 07643*

Receiving Waters:

MA7CD/10: *De Peyster Creek. TW-2*Direct Discharges: (1) Flow (MGD) Disch.
AVR. Max. DTS

10,000 -

49,999

9 P.D.

Lat:

Long:

Exist. Class: TW-2

Proposed Class:

EPA Permit E/S:

Thermal:

W.Q. Analysis:

State Engr/Sci:

Total

Parameter	EPA PERMIT LIMITATION CCL	NJAC 7:9-4.6 (e) TW2 water Quality CCL	NJDEP/ NPDES FLU.	NJAC 7:9-6.14 (d) (4) Water Quality	Discharge Description
Thermal					
Disch. No.			No Information		The applicant has
Avg. ΔT °F				$\leq 85^\circ F$	one discharge of
Max. ΔT °F	86 (30°C)	Not more than 4° above ambient Sept - May. Not more than 1.5° above ambient June - Aug.			Non-contact condense
Max. Flow (MGD)					cooling water into
General Parameters					De Peyster Creek.
PH Range	6.0 - 9.0	6.5 - 8.5		6.5 - 8.5	
Alkalinity					The applicant's
Acidity					activity is the
Total Dissolved Solids		Not to exceed 500 mg/l or exceed 133% of background None Noticeable		≤ 40 mg/l	coating of ceramic
Total Suspended Solids**					spheres with a
Settleable Solids					solution containing
Color (C.U.)				≤ 40	silver.
Turbidity (JTU)		25 30 day average 130 at any time.		≤ 40 JTU	
Oil & Grease		None Noticeable			
Oxygen Demanding & Nutrients					
TVS					
BOD ₅					
COD *	50 mg/l.				
TOC					

No discharge of floating solids or visible foam other than trace amounts.
* Upon written request from the permittee this limit may be changed to 20 mg/l of TOC

** Additional limitation may be imposed after receipt of monitoring data

Parameter	EPA PERMIT, NJAC 7:9-4.5 (CC) Feasibility Application Limitations 001	NJAC 7:9-4.5 (CC) Feasibility Application Limitations 001	EPA Permit Restrictions	HMDL Other (H) NJAC Restrictions 19-4-6 146
Total N				
Org. N (N)				
NH ₃ ⁺ NH ₃ (N)				
NO ₂ ⁻ (N)				
NO ₃ ⁻ (N)				
Total P				
Ortho-P (P)				
<u>Miscellaneous Parameters</u>				
TDS				
Sulfate				
Chloride				
Chromium ^{***} (T)	0.5 mg/L			
Chromium (H)				
Lead (T)				
Mercury (T)				
Zinc ^{***} (T)	1.0 mg/L			
Phenols				≤ 0.2 mg/L
Copper ^{***}	1.0 mg/L			
Selenium				
Barium				
Cadmium				
Arsenic				
Nickel				
Petroleum Hydrocarbons	10 mg/L			
O.I. & Grease				

*** Monitoring for this parameter is not required unless a corrosion inhibitor containing this metal is used for water treatment purposes.